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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FIREMAN'S FUND INSURANCE COMPANY  
a/s/o AL-MIZAN INTERNATIONAL TRADING  
HOUSE LTD.,

08 Civ. 5007 (MGC)

**AMENDED COMPLAINT**

Plaintiff,

- against -

BIMAN BANGLADESH AIRLINES; RAZOR  
ENTERPRISE, INC., and SWISSPORT  
INTERNATIONAL, LTD.

Defendants.  
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Plaintiff, FIREMAN'S FUND INSURANCE COMPANY, by its attorneys, Casey & Barnett, LLC, for its Complaint alleges upon information and belief as follows:

1. This action arises out of the Warsaw Convention, a Treaty to which the United States is a signatory. The Court has jurisdiction pursuant to 28 U.S.C. § 1331.

2. Plaintiff, FIREMAN'S FUND INSURANCE COMPANY (hereinafter "FFIC") was and is a corporation organized and existing by virtue of the laws of a foreign state with an office and place of business located at 1 Chase Manhattan Plaza, 37<sup>th</sup> Floor, New York, New York 10005 and is the subrogated cargo insurer of a certain consignment of cosmetics owned by AL-MIZAN INTERNATIONAL TRADING HOUSE LTD., as more fully described below.

3. Defendant, BIMAN BANGLADESH AIRLINES, ("Biman") was and is a corporation with an office and place of business located at 211 East 43rd Street, Suite 602, New York, New York, 10017 and at all relevant times was and is doing business within the jurisdiction of this Honorable Court.

4. Defendant, RAZOR ENTERPRISE, INC., ("Razor") was and is a corporation with an office and place of business located at 175-41 148 Road, 2<sup>nd</sup> Floor, Jamaica, New York 11434 and at all relevant times was and is doing business within the jurisdiction of this Honorable Court.

5. Defendant, SWISSPORT INTERNATIONAL, LTD., ("Swissport") was and is a corporation with an office and place of business located at Bldg. 151, Ste 300, JFK International Airport, Jamaica, New York 11430 and at all relevant times was and is doing business within the jurisdiction of this Honorable Court.

6. This is a claim for a loss sustained during transit to a consignment consisting of 15,326 pieces of various cosmetic items, with a total weight of 170 kg, which were delivered to the defendants and/or their agents in good order and condition in Jamaica, New York for air carriage to Dhaka, Bangladesh, pursuant to Razor airway bill number RE0829 dated June 2, 2006 and Biman waybill number 997-9025-5012 dated June 2, 2006.

7. When the plane arrived in Dhaka, Bangladesh on or about June 5, 2006, the aforementioned consignment of cosmetics was not delivered to the consignee, but rather had been lost during transit or prior to the commencement of transit while in the care, custody and control of defendant Swissport.

8. The loss of aforementioned consignment of cosmetics was caused solely by the negligence, carelessness, breach of contract and/or breach of bailment of the defendants, their employees, contractors, agents and servants, without any fault on the part of the plaintiff.

9. In accordance with the provisions of the Warsaw Convention, written notice of the loss was provided to defendants within the time set forth in the Convention.

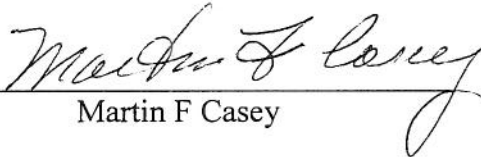
10. Plaintiff sues on its own behalf and as agent and trustee on behalf of any other person or parties who may now have or hereinafter acquire an interest in this action.

11. By reason of the forgoing, plaintiff has been damaged in the amount of \$79,293.67 as nearly as presently can be estimated; no part of which has been paid, although duly demanded.

**PROOF OF MAILING**

MARTIN F. CASEY, an attorney at law duly admitted to practice in the Courts of the State of New York and the United States District Court for the Southern District of New York affirms that on June 9, 2008 a copy of the Amended Complaint was duly served on each of the three defendants by depositing a properly addressed, mailed envelope with the United States Postal Office.

Dated: June 9, 2008

  
Martin F Casey